

ORIGINAL

LAW OFFICES OF
MADELYN SPATT SHULMAN P.C.
3000 MARCUS AVENUE
SUITE 1E5
LAKE SUCCESS, NY 11042-1004

TEL: (516) 942-5100
FAX: (516) 437-6434
EMAIL: MSSPC@OPTONLINE.NET

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/18/15
--

May 11, 2015

VIA ECF

Honorable Louis L. Stanton
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007-1312

MEMO ENDORSED

Re: *Klauber Brothers, Inc. vs. Americlo Couture, Inc., Jeffrey Luo and Michael Kin Soon Leong, et al.*, Case No.: 15-CV-00874 (LLS)(AJP)

Dear Judge Stanton:

We are counsel for Defendant Michael Kin Soon Leong ("Defendant Leong"), having been retained on May 6, 2015.

Defendant Leong requests an enlargement of time, up to and including June 15, 2015 for Defendant Leong to answer, move or otherwise respond to Plaintiff's Complaint dated February 5, 2015 ("Complaint"). Defendant Leong's time to answer, move or otherwise respond to the Complaint was March 24, 2015. Plaintiff's Request for Default was filed April 28, 2015. Plaintiff does not consent to this request. We further request that Plaintiff's Request for Default be denied or adjourned pending this court's decision and our filing of an answer on behalf of Defendant Leong within the court ordered time frame.

Defendant Leong also requests an adjournment of the Scheduling Conference currently set for May 15, 2015 at 11:30 a.m. to a date after June 15, 2015. Both Plaintiff's counsel and counsel to Defendants Americlo Couture, Inc. and Jeffrey Luo have consented to this request.

The reason for these requests is, and Defendant Leong's Answer will allege, that Defendant Leong was not served, as alleged by Plaintiff, on March 3, 2015 (with answer due March 24, 2015). He states that his first notice of this action was his receipt by mail on Friday, April 24, 2015 of the Order for Conference dated April 22, 2015. He further received, on Friday, May 1, 2015, copies of Plaintiff's request for default dated April 28, 2015.

No opposition
having been
received,
granted
and
So Ordered
Louis L. Stanton
5/18/15

Hon. Louis L. Stanton
May 11, 2015
Page 2

Between April 24, 2015 and the date hereof Defendant Leong contacted the District Court for information, obtained access to the Pacer system on the advice of the court, investigated the source of allegations of service and allegations of his affiliation with Americlo Couture, Inc., sought recommendations for counsel, contacted interested third parties to this suit and on May 5, 2015 met with Plaintiff, Plaintiff's counsel Philip Gottfried and principals of Hanky Panky, Inc., at the request of the Hanky Panky principals, to discuss the case.

Mr. Leong retained the undersigned counsel on Wednesday, May 6, 2015. I contacted Plaintiffs' counsel and counsel to the other defendants on May 7, 2015 and accessed the Pacer file on that date. I left for a scheduled trip to Arizona on May 8, 2015 and will be in Arizona through May 18, 2015.

Defendant Leong alleges that he is not, and has never been, a principal, affiliate or in any way related to Americlo Couture, Inc., the corporate defendant which is, to the best of his knowledge, owned and operated by Defendant Jeffrey Luo. Counsel to Americlo Couture, Inc. represents Mr. Luo and on April 7, 2015 (more than one month after their response due date of March 4, 2015) filed an Answer on his behalf, as well as that of Americlo Couture, Inc. Counsel to Americlo Couture, Inc. and Jeffrey Luo does not represent Defendant Leong.

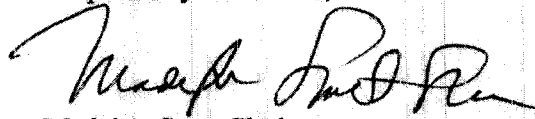
The docket listing of Frank A. Mazzeo as counsel to Defendant Leong appears to be an inadvertent error when Mr. Mazzeo, counsel to Defendants Americlo Couture, Inc. and Jeffrey Luo, filed his April 10, 2015 request for admission *pro hoc vici* as counsel to "Defendants."

No prior requests for an enlargement of time to answer, move or otherwise respond with respect to the Complaint have been made by Defendant Leong before this Court.

Defendant Leong requests this extension so that he can evaluate, answer and potentially commence good faith discussions with respect to this action. Counsel has had no opportunity to review or investigate the allegations of the Complaint.

This letter-motion is made in good faith and will not prejudice Plaintiff.

Respectfully submitted,



Madelyn Spatt Shulman

cc: via electronic transmission
Philip Howard Gottfried, Esq.
Counsel for Plaintiff Klauber Brothers, Inc.

Frank A. Mazzeo, Esq.
Counsel for Defendants Americlo Couture, Inc. and Jeffrey Luo